THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 25178 of 2006.

DATED: 4-12-2006

Between:

Boddeda Narayana Babji.

…Petitioner

and

The Commissioner of Police,
Visakhapatnam and others.

…Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 25178 of 2006.

Oral order:

In O.S.No. 1366 of 2005 on the file of the learned I Additional Senior Civil Judge, Visakhapatnam, the petitioner asserts that he obtained a permanent injunction against the 3rd respondent and his agents from interfering with his peaceful possession and enjoyment of the property in an extent of Ac.3-00 cts. in Sy.No.52/1-B1, Block No.4, Waltair Ward No.2 situated at Peda Waltair. Despite the same, the 3rd respondent was continuing to interfere with the petitioner's property and contrary to the decree of injunction. The petitioner, thereupon, made a complaint to the 2nd respondent-Police on 16-5-2006. There being no action, he filed W.P.No.10626 of 2006. By an interim order dated 30-5-2006, in the said writ petition, this Court directed the 2nd respondent to consider the petitioner's complaint to register the case if the contents set out a cognizable offence. Despite the order of this Court, the 2nd respondent did not act upon the interim direction. Thereupon the petitioner filed Contempt Case No.1220 of 2006 against the respondents in Writ Petition No. 10626 of 2006 alleging contumacious conduct. The said contempt case is stated to have been admitted and is pending adjudication.

As the 3rd respondent is continuously interfering with the petitioner's right to possession and enjoyment of the property, despite the injunction order granted by the Civil Court, the petitioner again filed

this writ petition seeking a direction to the respondents 1 and 2 to provide police protection for the transgression by the 3rd respondent of the order of injunction. In respect of such a grievance, he has a remedy under the Code of Civil Procedure, 1908 for violation by the 3rd respondent and the transgression of the order of injunction.

In the circumstances and in the context of the fact that Contempt Case No.1220 of 2006 is already pending before this Court, this Court is not inclined to grant any relief in this writ petition. The petitioner is at liberty to pursue appropriate remedies under the C.P.C.

The writ petition is accordingly dismissed at the admission stage. No costs.

GODA RAGHURAM, J

4th December, 2006.
GRR/IBL